

MINUTES
UTAH DECEPTION DETECTION EXAMINER BOARD
AUGUST 9, 2001 - 9:00 A.M.
Room 4B - Fourth Floor - Heber Wells Bldg.
160 East 300 South, Salt Lake City, Utah

CONVENED: 9: 42 A.M.

ADJOURNED: 10:37 A.M.

PRESENT:

Clyde Ormond, Bureau Manager

Marty Simon, Board Secretary

Board Members:

Leroy Allen

Frank Wall

Scott Barnett

David Mack

Elman Ellsworth

ABSENT:

Mike Ferre

GUESTS:

None

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Minutes

The minutes of the February 15, 2001 board meeting were approved as written.

Elect a New Chairman

A motion was made by Mr. Allen and seconded by Mr. Mack to nominate Scott Barnett to be the new chairman. The motion carried unanimously.

DISCUSSION ITEMS:

Review of Rules

Mr. Ormond stated in the last legislative change to the statute, licensure as deception detection examiner for those people trained only in voice stress analysis was not addressed. The Board agreed if there are people using the voice stress analysis technique but not the polygraph machines then they should be able to be licensed as deception detection examiners. Mr. Mack suggested making two levels of licensure, one for polygraph and one for voice stress analysis as an alternative possibility.

Mr. Ormond stated the reason voice stress analysis was left in the statute was so they could be regulated. If we don't have some credible schools available for this it could become a problem. The rules should be revised to add wording that would address this type of education.

Copies of the proposed rules change, dated August 9, 2001, were given to each of the Board members for review. Wording was added to R156-64-302b (4) to address the voice stress analysis training. The Board agreed this wording is too general. It should specifically state what types of schools are acceptable. Mr. Wall, who has been trained in voice stress analysis, is only aware of one school offering training in this technique at this time. That school is the National Institute of Truth Verification (NITV) that has a 40-hour curriculum. However, Mr. Wall stated he is not sure of the validity of Mr. Humble's, the man in charge of the school, educational credentials. Therefore, if NITV is not a credible school, we will look foolish if we use them as an acceptable school for training. Mr. Wall stated the American Polygraph Association (APA) does not accept NITV as a credible school either. Mr. Ormond asked Mr. Wall to research this to determine if they are credible or not. Mr. Allen stated he has a lot of documentation about the school that he will send to Mr. Ormond to review.

Mr. Ormond asked Mr. Wall what accrediting body is being used for voice stress analysis schools. Mr. Wall replied he was not aware of any. Mr. Mack suggested adding a requirement to the rules that the school must either be accredited by the American Polygraph Association or National Forensic Sciences.

The question was also raised about the availability of enough classes for the voice stress analysis people to be able to meet the continuing education (CE) requirements. They determined there is.

After considerable discussion of the matter, Mr. Allen suggested asking one of the voice stress analyzers to meet with the Board to discuss this with the Board. Perhaps, he can inform the Board of the type of schooling that is available what accrediting body they use. He stated John Richey, with the Salt Lake Police Department, is trained as a voice stress analyzer and might be available to meet with the Board. It was agreed that Mr. Richey will be invited to the next board meeting.

Mr. Mack also stated that Polythymograph is another type of instrument that is being used to monitor people for truthfulness. The procedure for using this was discussed. Mr. Ormond will check with Ray Walker, Division Legal Counsel, regarding the use of this. Mr. Walker later stated this is not considered a deception detection examining device.

Mr. Ormond asked Mr. Mack to review the legality of the language in the rules and respond to him with any changes that he deems necessary. He also requested Mr. Mack, Mr. Wall and Mr. Allen to submit the information that has been requested of them at this meeting, to him by August 17, 2001. Mr. Ormond stated he would then send out the revised rules to the board members for review by August 24, 2001.

After much discussion concerning this issue with Craig Jackson, Division Director, and Steve Davis, Investigations Bureau Chief, it was decided to drop the rules change issue and let the current rule language control licensure of voice stress issues.

Art Marshall Review

Mr. Marshall had written a letter to the Board that was reviewed at the last meeting, requesting assistance with having his exams reviewed for licensure. He had stated it had become increasingly difficult to schedule a time to meet with Mr. Steve Bartlett, his supervisor, to review the exams due to their busy schedules.

Mr. Scott Barnett had agreed at the last board meeting to review his charts but had not been able to contact Mr. Marshall to do so. Mr. Ormond asked Mr. Barnett to try again to contact him. He further stated if Mr. Marshall applied for licensure without having them reviewed he would be denied.

A letter was sent to Mr. Marshall on August 14, 2001 informing him of the Board's decision and giving him Mr. Barnett's cell phone number.

New Appointees

Mr. Ormond requested Mr. Wall to request Mr. John Pickup, the new Secretary of the Utah Polygraph Association, to submit some names for the openings on the board. He agreed to do this.

NEXT MEETING:

To be determined

DATE APPROVED

CHAIRPERSON, UTAH DECEPTION
DETECTION EXAMINER BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING